

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FOREST LABORATORIES, INC.,
FOREST LABORATORIES HOLDINGS,
LTD., MERZ PHARMA GMBH & CO.
KGAA, and MERZ PHARMACEUTICALS
GMBH,

Plaintiffs,

v.

COBALT LABORATORIES INC., LUPIN
PHARMACEUTICALS, INC., LUPIN LTD.,
ORCHID PHARMACEUTICALS INC.,
ORCHID CHEMICALS &
PHARMACEUTICALS LTD. (d/b/a ORCHID
HEALTHCARE), TEVA
PHARMACEUTICALS USA, INC.,
UPSHER-SMITH LABORATORIES, INC.,
WOCKHARDT USA INC., and
WOCKHARDT LIMITED,

Defendants.

C.A. No. 08-21 (GMS)

**PLAINTIFFS' REPLY TO DEFENDANT
COBALT LABORATORIES INC.'S COUNTERCLAIMS**

Plaintiffs/Counterclaim Defendants Forest Laboratories, Inc. and Forest Laboratories Holdings, Ltd. (collectively "Forest") and Merz Pharma GmbH & Co. KGaA and Merz Pharmaceuticals GmbH (collectively "Merz"), for their Reply to the numbered paragraphs of the Counterclaims of Defendant/Counterclaimant Cobalt Laboratories Inc. ("Cobalt") (D.I. 47), hereby allege as follows:

The Parties

1. Admitted, upon information and belief.
2. Admitted.
3. Admitted.

4. Admitted.

5. Admitted.

Jurisdiction and Venue

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

Patent-In-Suit

10. Admitted.

11. Admitted.

12. Admitted.

Reply to Count I

(Declaration of Non-Infringement of the '703 Patent)

13. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-12 as though set forth specifically herein.

14. Admitted.

15. Denied.

16. Denied.

Reply to Count II

(Declaration of Invalidity of the '703 Patent)

17. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-16 as though set forth specifically herein.

18. Admitted.

19. Denied.

20. Denied.

Reply to Count III
(Declaration of Unenforceability of the '703 Patent)

21. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-20 as though set forth specifically herein.

22. Admitted.

23. Denied. Cobalt fails to state a cause of action upon which relief can be granted pursuant to Rule 9, Fed. R. Civ. P.

24. Denied. Cobalt fails to state a cause of action upon which relief can be granted pursuant to Rule 9, Fed. R. Civ. P.

Reply to Cobalt's Prayer for Relief

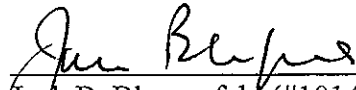
Wherefore, Plaintiffs/Counterclaim Defendants deny that Cobalt is entitled to any relief, either as prayed for in its Counterclaims or otherwise.

Plaintiffs/Counterclaim Defendants further deny each allegation contained in Cobalt's Counterclaims that was not specifically admitted, denied, or otherwise responded to in this Reply to Defendant/Counterclaimant Cobalt Laboratories Inc.'s Counterclaims.

Reply to Jury Demand

Plaintiffs/Counterclaim Defendants deny that Cobalt has a right to a trial by jury with respect to any claims, defenses or counterclaims.

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March 26, 2008

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:

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I further certify that I caused to be served copies of the foregoing document on March 26, 2008 upon the following in the manner indicated:

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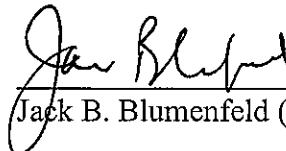
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